

# EXTENSIONS OF REMARKS

## SMALL BUSINESS TAX FLEXIBILITY ACT OF 1995

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. SHAW. Mr. Speaker, today I am introducing a bill that will lead to fairer tax treatment of small businesses and will help relieve the compressed workload forced on CPA's by enactment of the Tax Reform Act of 1986 [TRA '86].

Prior to passage of TRA '86, S corporations, partnerships, and personal service corporations, like today's C corporations, were allowed to pick any fiscal year they wished. Often these entities chose a year ending other than December 31 because their natural business year ended at some other time. For example, retailers could choose January 31 or July 31, after all the holiday or white sale figures were in; and suppliers of ski equipment could select May 31 after the ski season ended.

Congress abruptly halted the fiscal-year election for these entities because it needed revenue to pay for an amendment to the low-income housing credit as part of TRA '86. That law accelerated income to the U.S. Treasury by requiring fiscal year S corporations, partnerships, and personal service corporations to adopt calendar years for tax purposes thus flowing through earnings to owners at an earlier date and speeding up tax payments to the IRS.

The loss of the election for some small businesses that are formed as S corporations and partnerships has proven to be a major disruption to their business operations because the calendar year end can fall in the middle of their busiest seasons. Taking time out to comply with this arbitrary requirement hamstringing their ability to maximize production, generate revenues, and create jobs. In addition, because these businesses also adopted the calendar year for financial reporting, they had to close their books as of December 31; and their independent accountants were faced with the need to undertake year-end audits and credit compliance reviews for shareholders and creditors in the same few months as required for the preparation of tax returns. Consequently, these entities have found their accountants are least available at the time they are most needed.

As a CPA, I can personally speak to the havoc TRA '86 has caused the accounting profession. The 1986 tax law has spawned a practice management problem of major proportions, with many CPA firms, especially small and medium-sized ones, finding 65 to 75 percent of their annual workload falling between January 1 and April 15.

Furthermore, as Members of the U.S. House of Representatives this year, we learned firsthand the meaning of the phrase workload compression, as we raced to meet the 100-day deadline for voting on all 10 items

in the Contract With America. I don't think any of us would describe the working conditions at the beginning of this Congress as ideal or even desirable. But they were similar to the conditions the accounting profession has faced since 1986—every year.

Congress attempted to provide some relief from the burdens of TRA '86 in 1987 when it enacted section 444 of the Internal Revenue Code, which permits electing entities to have a fiscal year ending in September, October or November. The price exacted in return was that the electing entity pay a deposit to the U.S. Government which approximated the amount of tax to be deferred through election of the fiscal year. The calculation for the deposit—of what amounted to an interest-free loan to the Government—essentially required the amount of deferred entity income to be multiplied by the top statutory tax rate applicable to individuals, plus one percentage point. In 1988, therefore, when the top individual rate was 28 percent, the deposit would have been calculated at 29 percent.

The current situation illustrates the limited value of section 444. The great majority of S corporations and partnerships on fiscal years in 1986, and those coming into existence thereafter, which would have elected fiscal years are now operating on a calendar year.

Furthermore, the 1993 increase in individual tax rates exacerbated the situation. By the administration's own projections, approximately 1.2 percent of individual taxpayers are expected to be in the 36 percent bracket and only 0.3 percent in the 39.6 percent brackets. Yet, because of the mechanics of section 444, the deposit presently payable on deferred income is at a 40.6 percent rate, even though most owners of electing entities will themselves be in the 31 or 36 percent brackets. Simple financial self-interest dictates, then, that many affected entities terminated the fiscal year election.

The stumbling block to greater relief in the past has always been revenue neutrality. The legislation I am introducing today overcomes that problem. It's designed to maintain the cash flow to the U.S. Treasury, but still be an affordable option for S corporations and partnerships. The bill also would return to S corporations and partnerships the right to elect any fiscal year and would ease the compressed workload facing the accounting profession.

A description of the bill is included below, but briefly it would ensure a steady cash flow by requiring S corporations and partnerships electing a fiscal year to pay quarterly estimated taxes to the IRS on behalf of their owners. Certain statutory rates will be required to be paid on the business's quarterly income, instead of determining an individual owner's tax bracket. The statutory rates are determined by revenue needs, but this bill provides a de minimis rule for the smallest companies. Those businesses with a tax liability of less than \$5,000 on the defined income of the business will not be required to make an estimated payment. Businesses with income de-

fined above the de minimis level but less than \$250,000 per owner will be required to pay estimated tax of 34 percent. For entities with incomes above that level, where the owners are themselves likely to be in the 39.6 percent bracket, the estimated tax rate will be 39.6 percent. Owners will take credit for the entity-paid estimated tax on their income tax returns, which will eliminate the non-interest-bearing loan approach of present law.

I urge my colleagues to cosponsor this bill. We have a rare opportunity to support legislation under which everyone wins.

The detailed description of the bill follows:

### GENERAL PROVISION

Under current law, a partnership or S corporation, except where an election is made under present Internal Revenue Code section 444, must use a tax year which ends December 31st. As a result of making an election under new Code section 444, an entity would be able to use any fiscal year it desired. (Present section 444, which permits the use of a September, October or November tax year, would be renumbered as section 445.)

The election would be made by the 15th day of the third month of the first 12-month year using the new fiscal year end. For example, a 1995 calendar year entity wishing to change to a June 30 year in 1996 would file its election by September 15, 1996.

### EFFECT ON ENTITY

Because of the nature of fiscal year pass-through entities, a deferral of tax is created on the tax returns of the owners. To alleviate the negative revenue impact of this deferral, the entity would make quarterly payments of estimated tax timed with the earning of income, the first of which would be due by the due date of the election. The entity income used in making the calculations is the amount currently reported on 1994 Schedule K, line 23(a) of the partnership return or 1994 Schedule K, line 23 of the S Corporation return. This amount is the aggregate of entity income less deductions without accounting for the character of each separately stated item on Schedule K.

Anti-abuse measures are included to prevent post-December 31 payments to partners or S Corporation shareholders to reduce the entity level tax (for example, an S corporation electing a May 31 year end, and "zeroing out" its line 23 income by salary payments in May).

In order to provide revenue neutrality, a 2-rate estimated tax system will be required. Most entities will pay estimated taxes for their owners at a flat 34% rate. However, those whose owners will, themselves, likely pay individual tax at the 39.6% top statutory rate will have to make entity-level estimated tax payments at 39.6%. These "high average income entities" are those where the prior year average entity income of owners with at least a 2-percent interest in the entity is \$250,000 or more. They also include partnerships whose prior year income is at least \$10,000,000.

The entity may use one of three methods to calculate the quarterly estimated tax payments. The first method is similar to that for high-income individuals, and bases the tax payments on 110% of the prior year income. That income is multiplied by the statutory estimated tax rate, then multiplied by

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

110%, then divided by 4 to obtain a quarterly estimated payment amount.

The second method allows the entity to calculate estimated tax based on the current year income. Estimated current year income is multiplied by the same 34% or 39.6% statutory tax rate and divided into four quarterly estimated payments.

The third method uses similar calculations to calculate its payments based upon annualized current year quarterly income, similar to the rules presently applicable to individuals or C corporations.

The payments of tax are due on the 15th day of the 3rd, 5th, 8th, and 12th months of the taxable year of the entity.

In addition, the entity makes a one-time payment with its fiscal year election that applies to the short period created (if any) by moving from a calendar year to a fiscal year. This payment is at the same statutory rate and is based on short period income.

The election terminates if the owners of more than half the entity's equity consent to such revocation, or when the entity itself terminates. ("Inadvertent terminations" of an S corporation however, will not terminate the election.) Subsequent re-elections may not be made by that same entity for 5 tax years unless the entity obtains consent from the Internal Revenue Service. Rules will also be provided under regulations for successor entities.

A penalty for underpayment will be due from the entity if it does not make the required level of estimated tax payments. The penalty is based on the amount of underpayment and continues until appropriate payment is made or until the April 15th that the owners report their share of entity income. At that point, the owners become liable for the tax and any existing underpayment penalties that may be imposed. An exception to the entity level penalty is provided which parallels the analogous exception for individual taxpayers (casualty, unusual circumstances, etc.)

#### EFFECT ON OWNER

The quarterly estimated payments made by the entity are "passed through" to the owners of the entity as a credit on their individual tax returns. Since the entity is making these payments on behalf of the owners, they may reduce their quarterly estimated payments for their shares of the entity level payment. When they receive an annual information report from the entity (Schedule K-1), it will list their share of fiscal year income as well as their annual share of the credit. The amount of the credit allocated to each owner is based upon his or her share of the entity income (no special allocations of the credit are allowed). The credit is reported on an owner's individual income tax return as if it were estimated taxes paid by the owner.

In making their own quarterly estimated payments, the owners may rely on amounts reported by the entity as paid, even if errors occur or payments are not made, so that penalties accrue only at the entity level. If payments are overpaid or underpaid compared with those reported to the owners, such amounts are treated as any other tax due or overpaid under Subtitle A of the Internal Revenue Code.

#### TIERED STRUCTURES

No election may be made by an entity that is part of a tiered structure under this proposal. Additionally, if an entity becomes part of a tiered structure the election is terminated. The tiered structure rules do not apply, however, if all of the owners are partnerships and S corporations that elect the same fiscal year.

#### ALTERNATIVE TAX YEARS

Nothing in this provision will affect an entity's right to a fiscal year that exists under current law; for example, under the natural business year tests. The provision also allows for retention of fiscal years by any entities that currently use a fiscal year under Rev. Proc. 87-32.

#### OLD SECTION 444

The new provision would preclude any new elections under the old section 444. However, existing 444 elections would be allowed to continue if the entity so desired. Alternatively, an entity with an existing section 444 election, may elect instead under this new provision thereby entitling it to a refund of its current 444 required payments, or a credit of such required payments toward its new estimated tax payment requirements.

#### DE MINIMIS AND REASONABLE CAUSE EXCEPTION

The provision provides for an exception to payment of any entity level tax if such tax would be below \$5,000. The provision also provides for the relief of section 7519 penalties if reasonable cause can be shown.

### THE RIGHT ROAD

#### HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. PACKARD. Mr. Speaker, today we begin an historic journey. For the first time in a generation, we will lay out a road map toward a balanced budget. Americans understand this is a trip we all must take. If we fail in this mission, frankly, this country is through. I mean we are headed the way of Mexico into economic collapse.

The Nation is currently \$5 trillion in debt spiraling toward a debt of \$8 trillion by 2010. We spend almost half of our budget on interest alone—half. Soon we will spend more on the interest on the debt than anything else—including entitlements and defense combined. The American dream is starting to evolve into the American nightmare.

For a nation that prides itself on leaving a better country for our children, we are instead leaving a legacy of fiscal and moral bankruptcy. Some of you may know that I have a relatively large family—seven children and, as of a couple of weeks ago, 31 grandchildren.

Since I began my service in Congress, I have always measured everything I do by one standard—what legacy am I leaving to them and to our Nation's children and grandchildren?

Washington's lack of discipline is crushing our opportunity and leaving our children with a devastating debt. We cannot continue down this destructive path.

In fact, my new grandchild, born just a couple of weeks ago, will pay nearly \$200,000 over her lifetime. I cannot leave this legacy to her, and I am sure most Americans do not want to leave this legacy to their children and grandchildren. People outside Washington know this and have asked us to lead them down a new road—toward a balanced budget. I say, let's get going.

#### GREAT LAKES INITIATIVE STATEMENT

#### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. BONIOR. Mr. Speaker, I rise today to express my strong concern over any attempts to further weaken the Great Lakes Initiative. I understand there are those who would still like to make States' participation voluntary. That would completely undermine one of the key initiatives that has been taken to improve water quality in the Great Lakes region. I would strongly oppose those efforts.

The Transportation and Infrastructure Committee worked out a compromise on this issue. Like every compromise, it doesn't make everybody happy. I believe it is still too ambiguous. It's an open invitation to lawsuits. And will ultimately weaken the GLI. But it is a true compromise.

Further efforts to weaken the GLI would go too far. It would turn the clock back. For those of us who live in the region, the Great Lakes have a profound effect on who we are as a people and how we live our lives.

The Great Lakes provide our drinking water, they provide our largest recreational resource, they are tremendously important to our economy, and they shape our quality of life. They are our Yellowstone, our Grand Canyon, our Everglades. The Great Lakes ought to be protected like the national treasure they are. Unfortunately, a handful of polluter interests seem to have a burning desire to weaken the landmark Great Lakes Initiative, which will provide uniform water quality standards for all of the Great Lakes States. For that reason alone, I would oppose the current clean water bill.

Beyond the GLI, however, events in Lake St. Clair taught many of us in Michigan how important our environment is for our quality of life and for our economy. In Michigan, clean water is jobs. Without clean water, we lose thousands of jobs in our State.

Sport fishing in that lake alone is estimated at \$140 million annually. Nonfishing boaters and beachgoers spend more than \$1 billion each year on boats, accessories, marina slips, gas, restaurants and other items. Last year's ban on swimming cost the most popular beach in the Detroit area \$500,000. This wasn't just a quality of life problem—our economic benefits of the lake were destroyed last year.

During most of the summer, profits at local marinas were down. Many local businesses were devastated. In just 2 months time, losses to local businesses ran into the millions of dollars. Our biggest concern is that it could happen again. In fact, with this type of legislation here before us today, it could happen anywhere and everywhere.

In this bill, written by lobbyists for some of this country's most notorious polluters, we say to Americans—we don't care about the water you drink, we don't care about the pollution of your beaches, and we don't care about one of the most important recreational and economic resources you have.

That's not common sense. We must protect our water—not polluter interests. We should be strengthening our standards—not weakening them. We should be debating ways to emulate model regulatory programs like the GLI—not gutting them.

The GLI is a shining example of current regulatory approaches. It gives maximum flexibility to the States. In 1986, the Governors of all eight Great Lakes States entered into discussions with the EPA. They literally sat at the table and drafted model regulations to raise our water quality standards. On March 13 of this year, the EPA accepted the Governors' suggestions and issued a final rule on the Great Lakes Initiative.

Any efforts to undo all of this hard work would be inconsistent with the long-term bipartisan effort to provide uniform water quality standards among Great Lakes States. It will say that those 9 years of negotiating and careful thought are merely voluntary guidelines.

Under the GLI, a specific numeric criteria has been set to protect aquatic life, wildlife, and human health in our region. The GLI sets limits on PCB's, dioxin, DDT, benzene, and chlordane just to name a few. It offers guidance yes, but guidance is useless unless it is implemented.

People in my State remember, and are suffering even today from PCB's. Mothers who ate a lot of fish from the lakes during pregnancy are seeing their infants developing at a slower rate than others. Higher rates of cancer have occurred in communities whose drinking water comes from the Great Lakes. Preliminary research indicates that PCB's and other pollutants may be linked with breast cancer in women. People want their water to be protected from toxins and pollutants.

All the GLI is trying to do is to ensure that every State in the region has the same water quality standards. It simply levels the playing field for all eight States. We don't want one state undercutting another and driving our standards to lower and lower levels. If we make it voluntary, we undercut the whole purpose of the GLI. We will start the downward spiral of pollution and toxic contamination of our lakes all over again. For those of us near Lake St. Clair, last summer we got a reminder of what that could be like. We don't want to go back.

We are talking about 95 percent of this Nation's fresh water. We are talking about lakes that provide 23 million people with their drinking water. We are talking about a multibillion dollar economic resource. We are talking about a national treasure.

The American people thought we reached a consensus—that we should protect our water. We have made progress. In the Great Lakes region, the GLI was an important part of that progress. Let's not turn back the clock. Let's move forward to make our water cleaner and safer. I urge my colleagues to support clean water and to support the GLI.

#### NAMING PS 165 THE EDITH BERGTRAUM SCHOOL

#### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents in the Fifth Congressional District of New York and with the many friends of the Bergtraum family as they gather on May 19 to honor the memory of the renowned educator Edith K. Bergtraum, and to name Public School 165 in her memory.

Edith was both a personal friend and a dedicated member of the community. Her level of involvement and dedication created a yardstick by which all such activity can be measured.

A long-time activist in the Kew Gardens Hills and Flushing communities, Edith was a product of the New York City school system as well as a graduate of Hunter College of the City University of New York. Her sense of community brought her beyond the boundaries of her neighborhood; she quickly assumed leadership roles in the Kew Gardens Hills Jewish Center, the Queens County Democratic Committee, and the Mayor's Commission on the Status of Women.

Yet it was in the field of education that Edith had her most significant impact. She began her educational career when PS 165 opened and her son entered the first grade in a school that had 3,000 children but only 1,000 seats. With the support of her husband, Murry Bergtraum (a most powerful advocate for the schools children of New York City who would later become president of the City's Board of Education), Edith quickly and effectively joined the ongoing fight for the rights and education of children.

When Murry became the first president of the PS 165 Parents-Teachers Association, Edith assumed a seat on the executive board. Their joint efforts to alleviate the overcrowding in the school were successful, as three more elementary schools—PS 200, 201, and 219—were constructed nearby. When her children moved onto Junior High School 218 and Forest Hills High School, Edith followed, enriching these schools with the same dynamism that she brought to PS 165.

As her involvement grew, so did recognition of her capabilities. In 1974, Edith was elected to Community School Board 25, a position she held for 19 years. During this period, she was elected president of the local school board. She also somehow found the time to serve on citywide educational committees on special education, personnel and budget. In 1993, she was named the Queens borough representative on the search committee to select a new schools chancellor.

Mr. Speaker, as the people of Community School District 25 and those throughout New York City gather on May 19 to honor Edith K. Bergtraum, it is my hope that we will continue to be inspired and dedicated to the education of our children by following the most unique example she has set.

I call on all my colleagues in the House of Representatives to join me now in expressing our thanks and congratulations for Edith's good works to her family: her son, Howard Bergtraum, and daughter-in-law, Susan Bergtraum, and their children, Matthew, Jordan, and Andrea Bergtraum; Edith's daughter Judy Bergtraum; and Edith's daughter Marcia Bergtraum-Williams, and son-in-law, Dan Williams, and their children, Harel and Marc Williams; Edith's brother and sister-in-law, Stanley and Bernice Bergtraum; and Edith's sister and brother-in-law, Nat and Janice Sommer.

With the dedication of the Edith Bergtraum School, we ensure that the people of New York will long remember a dynamic educator, a compassionate humanitarian, and a special friend.

ELIMINATE THE MARRIAGE PENALTY FOR THE EXCLUSION OF GAIN ON THE SALE OF A PRINCIPAL RESIDENCE BY AN INDIVIDUAL OVER 55

#### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mr. NEAL of Massachusetts. Mr. Speaker, today, I introduced legislation to correct an inequity in our current tax system. Under current law, an individual over the age of 55 is allowed a one-time exclusion of capital gain on the sale of a principal residence. This one-time exclusion invokes a marriage penalty. This legislation would eliminate the marriage penalty for the one-time exclusion of gain on the sale of a principal residence.

For example, two individuals over the age of 55 who decide to marry and sell their homes would only receive an exclusion of \$125,000. Whereas, if they did not marry and sold their homes they each would be able to receive an exclusion for \$125,000. This legislation addresses this problem. The legislation eliminates the marriage penalty by disregarding elections made before the date of marriage or elections made on homes sold after the date of marriage, but purchased before the marriage.

Fairness is an important element of tax policy. The current policy on the one-time exclusion assists individuals who are approaching retirement and it is a valuable exclusion. Our Tax Code should be fair and not discriminate against basic values such as marriage. The decision to marry should not be based on financial reasons.

I urge you to correct this inequity and support this legislation.

#### 5715 YEARS OF EXPERIENCE IN ONE ROOM

#### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mr. STARK. Mr. Speaker, I rise today to share with my colleagues news of a special gathering that will take place on Thursday, May 18, in Castro Valley, CA. Over 50 senior citizens, each over 100 years old, will join together at Eden Medical Center for the sixth annual 100+ celebration. As best I can calculate it, 5715 years of experience and memories will be shared by 56 people at this unique gathering.

Every one of us has looked to an elder, perhaps a grandparent or great-grandparent, at different times during our lives for the wise counsel that only experience can provide. Their wit and wisdom speak of lessons learned; their knowing smiles are a reflection on decades of experience. I know my own mother, who is just 86 years old, has taught this incorrigible son an encyclopedia of lessons!

While I cannot be there on Thursday, I want to join Eden Hospital in honoring our local centenarians. The most senior of these senior citizens are 106, including Vera Sherman and Anna Simons. There are also five 105 year-

olds, including Abdul Khaliq, Antonio Nieto, Marie Sobieski, Mary Souza, and Ethel Stenson.

Nicolasa Alcon, Elizabeth Denny, Etta Osborn, Epifania Saldana, Eva Thornton, Catherine Walker, and Lily Wilkinson are 104 this year. The 103 year-olds who will be there on Thursday are: Giorgina Angeli, Michael Branden, Lillian Garfais, Mamie McGriff, and Antonio Nava. The presence of the 102 year-olds will be filled by Anna Galvin, Jim Hendricks, Hinda Jackson, Helen Leandro, Eugenia Liorentzevitch, Erminia Oberti, Fred Vonbrethorst, Frances Wayne, and Grace Zoellner.

Marion Boone, Olga Cherepanoff, Josephine Corona, Hazel Garad, Olive Gurney, Marianne Hill, Dale Kune, Kristina Langas, Helen Minore, Marian Morken, Eva Ortiz, Irene Pearson, Lillie Seay, Mary Silva, Ernestine Smedman, Leo Valentine, and Marguerite Zugnoni, at 101, are the sophomores of this class. The freshmen, young at only 100, are: Jane Barkley, Augusta Burlingame, Alice "Pete" Clark, Althea Cummings, Leone Gardelius, Ollie Holmes, Clara Moreland, Sumako Oka, Mamie Person, Edith Irene Wasley, and Elizabeth Wershskull.

Mr. Speaker, I hope my colleagues will join me in honoring these centenarians, especially during Older Americans Months, 1995. Their long and full lives have been a source of inspiration to their friends, family, and us all. I wish them all good health and good cheer.

#### THE INTRODUCTION OF THE HISTORIC HOMEOWNERSHIP ASSISTANCE ACT

**HON. E. CLAY SHAW, JR.**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. SHAW. Mr. Speaker, all across America, in the small towns and great cities of this country, our heritage as a nation—the physical evidence of our past—is at risk. In virtually every corner of this land, homes in which grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of abandonment and decay.

In the decade from 1980 to 1990, Chicago lost 41,000 housing units through abandonment, Philadelphia 10,000, and St. Louis 7,000. The story in our older small communities has been the same, and the trend continues. It is important to understand that it is not just the buildings that we are losing. It is the sense of our past, the vitality of our communities and the shared values of those precious places.

We need not stand hopelessly by as passive witnesses to the loss of these irreplaceable historic resources. We can act, and to that end I am introducing today, with my colleagues Mrs. KENNELLY, Mr. MCCRERY, Mr. NEAL, Mr. ZIMMER, Mrs. JOHNSON of Connecticut, Mr. GEPHARDT, Mr. GOSS, Mr. MOAKLEY, Mr. HUTCHINSON, Mr. TORKILDSEN, Mrs. MALONEY, Mr. RICHARDSON, Mr. HINCHEY, Mr. CLYBURN, and Mr. NADLER, the Historic Homeownership Assistance Act.

This legislation is patterned after the existing Historic Rehabilitation Investment tax cred-

it. That legislation has been enormously successful in stimulating private investment in the rehabilitation of buildings of historic importance all across the country. Through its use we have been able to save and re-use a rich and diverse array of historic buildings: landmarks such as Union Station in Washington, DC, the Fox Paper Mills, a mixed-used project that was once a derelict in Appleton, WI, and the Rosa True School, an eight-unit low/moderate income rental project in an historic school building in Portland, ME. In my own State of Florida, since 1974, the existing Historic Rehabilitation Investment tax credit has resulted in 325 rehabilitation projects, leveraging \$238 million in private investment. These projects range from the restoration of art deco hotels in historic Miami Beach, bringing economic rebirth to this once decaying area, to the development of multifamily housing in the Springfield Historic District in Jacksonville.

The legislation that I am introducing today builds on the familiar structure of the existing tax credit, but with a different focus and more modest scope and cost. It is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. Only those persons who rehabilitate or purchase a newly rehabilitated home and occupy it as their principal residence would be entitled to the credit that this legislation would create. There would be no passive losses, no tax shelters, and no syndications under this bill.

Like the existing investment credit, the bill would provide a credit to homeowners equal to 20 percent of the qualified rehabilitation expenditures made on an eligible building that is used as a principal residence by the owner. Eligible buildings would be those that are listed on the National Register of Historic Places, are contributing buildings in National Register Historic Districts or in nationally certified State or local historic districts, or are individually listed on a nationally certified State or local register. As is the case with the existing credit, the rehabilitation work would have to be performed in compliance with the Secretary of the Interior's standards for rehabilitation, although the bill would clarify the directive that the standards be interpreted in a manner that takes into consideration economic and technical feasibility.

The bill also makes provision for lower-income homebuyers who may not have sufficient Federal income tax liability to use a tax credit. It would permit such persons to receive a historic rehabilitation mortgage credit certificate which they can use with their bank to obtain a lower interest rate on their mortgage.

The credit would be available for condominiums and co-ops, as well as single-family buildings. If a building were to be rehabilitated by a developer for sale to a homeowner, the credit would pass through to the homeowner. Since one purpose of the bill is to provide incentives for middle-income and more affluent families to return to older towns and cities, the bill does not discriminate among taxpayers on the basis of income. However, it does impose a cap of \$50,000 on the amount of credit which may be taken for a principal residence.

The Historic Homeownership Tax Assistance Act will make ownership of a rehabilitated older home more affordable for homeowners of modest incomes. It will encourage more affluent families to claim a stake in older

towns and neighborhoods. It affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax roles, while strengthening their income and sales tax bases. It offers developers, realtors, and homebuilders a new realm of economic opportunity in revitalizing decaying buildings.

Mr. Speaker, this bill is no panacea. Although its goals are great, its reach will be modest. But it can make a difference, and an important difference, in communities large and small all across this Nation. The American dream of owning one's home is a powerful force. This bill can help it come true for those who are prepared to make a personal commitment to join in the rescue of our priceless heritage. By their actions they can help to revitalize decaying resources of historic importance, create jobs and stimulate economic development, and restore to our older towns and cities a lost sense of purpose and community.

I ask unanimous consent that the text of the bill and an explanation of its provisions be printed in the RECORD.

#### HONORING THE SOCORRO HIGH SCHOOL NJROTC UNIT

**HON. RONALD D. COLEMAN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. COLEMAN. Mr. Speaker, I rise today to give special recognition to a group of students from my congressional district, the members of Socorro High School's Naval Junior ROTC unit.

This unit has developed into one of the best NJROTC units in the country. It has placed first in area 11 in 3 of the last 4 years. The unit has also received the highest grade out of 360 high schools in the Nation. Under the able guidance and direction of Commander William J. Woodward, USN Ret., the cadets of our NJROTC unit have learned how to succeed in competitive situations and prevail in times of adversity.

Mr. Speaker, I also want to recognize the tremendous support in the community of Socorro, TX for the unit. During one of the unit's ceremonial evaluations, numerous civic, fraternal, and military leaders were present as well as approximately 900 sixth through eighth graders from local elementary and middle schools. The facilities the unit uses are among the best in area 11. Classrooms, office and storage areas are spacious, well organized and very well maintained. It is very obvious that the cadets, school, and the community take a great deal of pride in the NJROTC program.

I also ask my colleagues to pay tribute to Commander Woodward's assistants: Sgt. Major Robert D. Way, USMC Ret., and Chief Petty officer Oscar R. Martinez, USN Ret. Both these individuals have provided countless hours of support and guidance enhancing the aspirations of the cadets of the unit.

Mr. Speaker, it is with great pride that I recognize the students, parents, teachers, and school administrators involved with the Socorro High School NJROTC unit. I ask my colleagues to join me in saluting them and wishing them well in their future endeavors.

## NATIONAL SENIOR CENTER WEEK

**HON. CHARLES E. SCHUMER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. SCHUMER. Mr. Speaker, I rise today to announce that the week of May 14–21, 1995, has been designated National Senior Center Week. The 335 senior centers in New York City will join with the over 10,000 senior centers nationally and the National Council on Aging's National Institute of Senior Centers as sponsors of the week. The Council of Senior Centers and Services is coordinating the Senior Center Week Celebration in New York City.

In addition to the importance of providing meals for seniors living on tight budgets, senior centers are vital meeting places that serve the educational and social needs of our Nation's seniors. The sense of community experienced by an isolated older person of any income level or as a place to proudly bring younger family members adds immeasurably to the quality of life and emotional and physical well-being. I also know the value of senior centers from personal experience—they were a great benefit to my grandparents.

By naming this week National Senior Center Week, we are acknowledging the vital work that goes on every day to create a safe haven for seniors. I know all my colleagues in the House of Representatives will join me in applauding their efforts and wishing all our senior centers many more years of success.

TRIBUTE TO DR. RICHARD J.  
ZANINI

**HON. BARBARA B. KENNELLY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mrs. KENNELLY. Mr. Speaker, I rise today to honor an outstanding educator, Dr. Richard J. Zanini of Wethersfield, CT, who is retiring in June. During his 35 years of service Dr. Zanini served as a teacher, a program specialist, a supervisor, and assistant superintendent. For the last 13 years, he has served as superintendent of schools in Wethersfield.

Dr. Zanini was educated at the University of Massachusetts and at the University of Connecticut, where he received his Ph.D. in 1969. After serving in the army, he began teaching history and social studies in Connecticut in the early 1960's. He then helped shape Federal education policy as a program specialist at the U.S. Department of Education in Washington for 2 years before returning to the classroom.

In 1972, Dr. Zanini became the assistant superintendent of schools in Hebron, Andover, and Marlborough. He served in a similar role in the Wethersfield school system for 5 years before becoming the superintendent in 1982.

During Dr. Zanini's tenure in Wethersfield, several schools have been recognized for excellence. Wethersfield High School became a 4-year high school and won statewide recognition in 1983 and again in 1994. Silas Deane Junior High School received wide acclaim, including designation as an exemplary school by the U.S. Department of Education in 1991 and the kindergarten center received national accreditation in 1993.

Despite difficult economic times, Dr. Zanini hired outstanding administrators, teachers, and support staff, and ensured buildings were repaired in a timely manner. He always treated colleagues, parents, and students with respect and professionalism. We will all miss this respected leader who has worked so hard on behalf of students for so long.

Dr. Zanini's leadership, attention to detail, thorough knowledge of State and Federal regulations, and his vision have served the Wethersfield district—and all his previous districts and schools—well. We thank him for his dedicated service and wish him the best upon his retirement.

SOUTH DAKOTA VOICE OF  
DEMOCRACY WINNER

**HON. TIM JOHNSON**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. JOHNSON of South Dakota. Mr. Speaker, Ms. Becky Fischer of Eureka, SD, was recently selected as a State winner in the Voice of Democracy broadcast script writing contest conducted each year by the Veterans of Foreign Wars of the United States and its ladies auxiliary. The contest theme for this year was "My Vision for America," and of the more than 126,000 secondary school students who participated in this year's contest, Becky was also named a winner at the national level. Mr. Speaker, I'm inserting Becky's winning script in the CONGRESSIONAL RECORD. She deserves to be commended for her exceptional efforts in writing this script and participating in this contest. Becky's insights and enthusiasm will serve as a model to others her age:

## MY VISION FOR AMERICA

Picture a small child, and in his busy little hands, a fragile, crystal antique vase. Unless this child has been properly educated in the handling, care, and value of this vase, the owner of this treasure would be extremely nervous. Americans are permitting every child in the United States to grasp a vase—this "vase" is our future. These children must be prepared today to meet and conquer the challenges of tomorrow. The future of America is held in the hands of the children; therefore, my vision for America includes a brighter, bolder, well-educated society achieved by what the children are experiencing today.

In order to fulfill my vision for America, we must take care of the children. Teaching children to take care of their bodies by following wise health habits will build their strength and endurance. If a child is not physically strong enough to hold the vase, it could drop and shatter. If the children of America are not physically sound, dreams for America's future could be crushed.

We must also take care of America's children emotionally. A child must possess a strong sense of self-confidence, believing in himself and his ability to contribute to society. Henry Ford said, "Don't find fault—Find a remedy." We must build a child's self-esteem. Consider 1 Thessalonians 5:11, "Therefore encourage one another and build each other up \* \* \*". If a child believes he can accomplish his goals, whether it be carrying a priceless antique or creating a better future for America, he will be prepared to meet these goals.

A strong education in our schools and homes is also necessary for every American

child to secure my vision for America. Teachers and schools play a vital role in the education of a child. With continued excellence in our nation's schools, opportunities are unlimited for a child to learn, adjust to change, and meet new challenges. By nature, a child has an open mind and a willingness to ask questions. A child will develop his own vision for America through a solid education.

Parents and family have the chief responsibility for educating our children though. Children model themselves largely on their parents. A parent must act like the type of person they want their child to become since things parents do and say strongly influence a child. If parents teach a child how to support the vase by their own example, that child will be able to hold the vase with confidence. If a parent instills a positive attitude in a child regarding the American spirit, that child will look to this country's future with energy and enthusiasm.

My vision for America can be achieved in various ways. By setting a good example, children will have footsteps to follow. Along with their own experiences, future decisions these children make will be determined by what they have learned from our examples in their past. To preserve the safety of the "vase," we have the opportunity and the responsibility to set a good example.

Every American citizen must participate in preparing the children for a successful future. Henry Wadsworth Longfellow said, "Give what you have, to someone it may be better than you dare think." Our nation is composed of unique individuals, each with their own talents. We need to focus these varied talents on the children; they need each and every one of us. All of us together will help prepare these children for the future.

In conclusion, we are all now holding the "vase," but we must pass it on to the children of America. If we continue to take care of the children, physically and emotionally, provide a superior education for them in the schools and in our homes, and set good examples, we are contributing together to prepare our children for tomorrow. The future of America is held in the hands of the children; therefore, my vision for America includes a brighter, bolder, well-educated society achieved by what the children are experiencing today.

TRIBUTE TO DR. RICHARD ALAN  
YANIKOSKI

**HON. WILLIAM O. LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Dr. Richard Alan Yanikoski who will be inaugurated on May 19, 1995, as president of Xavier University located in the Third Congressional District of Illinois. Dr. Yanikoski was selected after a nationwide search conducted by the university's board of Trustees attracted distinguished candidates from all regions of the country. Dr. Yanikoski is the 12th president of the 148-year-old college, the oldest higher education institution in the city of Chicago.

Dr. Richard Yanikoski has served in the field of higher education for over 19 years. Previously, Dr. Yanikoski held the position of director of the Harry F. and Elaine M. Chaddick Institute and served as associate professor and director of DePaul University's Public

Services Graduate Program. Other positions previously held at DePaul included associate vice president for academic affairs, director of institutional planning and research, evaluation coordinator, instructor and mentor of DePaul's School for New Learning. Dr. Yanikoski's additional professional experience includes his work as research assistant for Chicago's Spencer Foundation, part-time instructor for Loyola University's Program in Higher Education, and mentor for Native American Education Services College of Chicago.

A prolific writer, Dr. Yanikoski has published numerous articles in professional journals and is currently preparing his first book, "Academic Freedom in Higher Education," to be published by Greenwood Press. He has been a guest speaker, session leader, and invited panelist for over 30 professional organizations. A variety of higher education, religious, and governmental institutions have sought his expertise as a reviewer and consultant. In addition, Dr. Yanikoski has received numerous awards and distinctions in honor of his dedicated years of service to higher education. For example, Dr. Yanikoski has been recognized by the American Men and Women of Science, Who's Who in the American Education, Who's Who of Emerging Leaders in America, and Who's Who Worldwide.

The May 19, inauguration ceremony will be a gala celebration featuring an investiture of the President by James J. McDonough, chairman of the university's board of trustees. As part of the investiture ceremony, Dr. Yanikoski will be presented the university's medallion, a symbol of the office of presidency. The medallion features the seal of the university which is engraved with the Latin motto "Via Veritas Vita," which translates as "The Way, The Truth, The Life," and features a number of elements to represent the Sisters of Mercy, education and religion.

I ask my colleagues to join me in extending congratulations to Dr. Richard Alan Yanikoski as he begins his tenure as president of Saint Xavier University. I wish him the best of luck in his endeavors as president. I am confident he will maintain the high academic standards of the university and will undoubtedly add to Saint Xavier's rich tradition of providing quality post-secondary education in a religious atmosphere.

#### INTRODUCTION OF PATENT AND TRADEMARK OFFICE CORPORATION ACT OF 1995

**HON. CARLOS J. MOORHEAD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. MOORHEAD. Mr. Speaker, today, I am pleased to introduce the Patent and Trademark Office Corporation Act of 1995, a bill that will enable the U.S. Patent and Trademark Office to improve the services it provides to the public. I am pleased to have as an original cosponsor the gentlewoman from Colorado [Mrs. SCHROEDER] the ranking Democrat on the Intellectual Property Subcommittee. Our legislation will convert the Patent and Trademark Office [PTO] to a freestanding Government corporation, giving it the operating and financial flexibility it lacks today as a regular Government bureau in the Department of Commerce.

This added flexibility should allow the PTO to operate more like a private business and provide better service to its customers at lower cost.

The idea of making the PTO a Government corporation is not new. As early as 1989, the National Academy of Public Administration, a nonprofit organization that studies ways to improve the effectiveness of Government, recommended corporation status for the Patent and Trademark Office. The National Academy reported that flexibility in budgetary and other management matters would give the Office the capacity needed to respond more quickly and efficiently to its customers.

The PTO does not use any general tax revenues to support its operations. It collects fee revenues from the sale of products and services to inventors, companies, and other customers that support the entire cost of its operations. It expects to employ more than 5,100 people and collect and spend \$643 million in 1996. As a large, fully self-supporting organization, the PTO is well-suited for Government corporation status.

The Judiciary Subcommittee on courts and Intellectual Property, which I chair, has received testimony in support of converting the Patent and Trademark Office to a Government corporation. Several user groups support this concept including the American Bar Association section of Intellectual Property Law, the American Intellectual Property Law Association, and the Intellectual Property Owners, Inc.

I understand the administration is also reviewing legislation that will recommend converting the Patent and Trademark Office to a Government corporation. In order to encourage dialogue on the specifics of this issue, we are, today, introducing legislation, which gives the authority to the Commissioner of Patents and Trademarks to manage the PTO in a business-like manner. The bill also establishes a Management Advisory Committee that will afford users a voice in how the PTO is operated. The bill maintains tight congressional oversight of the operation and requires annual reports to Congress. The proposal, while not modeled closely after any existing Government corporation, is designed to meet the unique needs of the Patent and Trademark Office and its user community. The administration's bill will be introduced at a later date.

Under our bill, the Commissioner would be appointed for a fixed 6-year term by the President, by and with the advice and consent of the Senate. The management of the PTO would be vested in the Commissioner, and the Commissioner would appoint all other employees, including a Deputy Commissioner for Patents, a Deputy Commissioner for Trademarks, and an inspector general. The PTO would be exempt from administrative or statutorily imposed limits on the number or grade of Government employees. The Patent and Trademark Office would become an independent agency outside of the Department of Commerce. There are differing views on whether the PTO benefits from being kept under the Department of Commerce, and I believe the subcommittee should explore the advantages and disadvantages of an independent agency. The fiscal year 1996 budget resolution, before Congress now, assumes the elimination of the Department of Commerce, which could have a substantial impact on the future of the Patent and Trademark Office.

Specific authority within the Patent and Trademark Office corporation would include the power to purchase, lease, construct, and manage property, the power to award contracts for facilities, services, and printing, the power to use its revenues without apportionment by the Office of Management and Budget, the power to invest and earn interest on its money, and the power to issue bonds to finance its activities. Under existing law, long-term capital improvements, including the expensive program to automate the massive patent search files, must be paid for by current PTO users, who will not necessarily receive any benefits from capital improvements. Under the bill, such improvements could be supported by bond issues.

Our bill would eliminate the practice of withholding several million dollars from the Patent and Trademark Office each year that users have paid into the patent surcharge fund. It gives the PTO access to all of its revenues, including those in the Patent and Trademark Office surcharge fund established by section 10101 of the Omnibus Budget Reconciliation Act of 1990. The authority to set the levels of major patent fees would be retained by Congress, subject to the authority of the Commissioner to adjust fees annually in response to increases in the Consumer Price Index, as under existing law.

Officers and employees of the Patent and Trademark Office would continue to be employees of the Federal Government. Our proposal specifies the features of the Federal personnel statutes, including those covering retirement and other benefits, that would continue to apply. The Commissioner would have authority to set the compensation levels for officers and employees. Present law would be retained and employees would still not have the right to strike or to bargain over wages. Transition provisions in the bill would govern the shift to corporate status.

The Commissioner would receive advice from a management advisory committee of 18 members, 6 of whom would be appointed by each of the President, the Speaker of the House, and the President pro tempore of the Senate. Committee members, appointed for 6-year terms, would represent diverse users of the Patent and Trademark Office. The board would be assisted by a staff, and would submit an annual report to the President and the House and Senate Judiciary Committees.

If this legislation is to achieve its objectives, it must be crafted very carefully, to ensure the necessary checks and balances. A public interest is involved, and this office is the only place the public can go to obtain a patent or register a trademark. The PTO is not subject to the performance pressure that arises out of corporate competition. The bill, therefore, does not privatize the PTO by giving it all of the freedom of a private company.

The PTO would continue to be a Government agency under the direction and oversight of the President and the Congress. However, the added management flexibility provided by the bill should improve the PTO's efficiency and responsiveness to the public. I look forward to working with all interested parties as we move this legislation through the Congress.



ROB WALSH HONORED FOR EXTRAORDINARY COMMUNITY SERVICE

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues the efforts of an extraordinary individual who lives and works in my district, Rob Walsh.

Mr. Speaker, too often, the stories of those who make a difference in their communities are drowned out by the tragedies which split our community. Pick up any newspaper on any given day. Headlines will scream of the latest crime; columnists will lament the many foibles of our society. The quieter success stories largely go unreported, unremarked upon.

I believe it is critically important that we do a better job of telling the success stories, that we do a better job of being role models for our Nation's youth. I therefore take the House floor today to recognize the efforts of a man who has done so much for so many. I would also like to say that I am extremely pleased that Rob Walsh will be receiving the prestigious Annual Cancer Care Community Service Award this Sunday.

Before I go into Bob's many achievements, I want to take a moment to congratulate Cancer Care for its dedication to providing free and comprehensive clinical services, education, and financial assistance to patients and their families at any stage of illness. Cancer Care works cooperatively and effectively with the many hospitals and health institutions in my district and New York in general, to provide critical services to those who are most in need. I cannot say enough about the compassion and commitment of Cancer Care to its mission.

I also want to commend Cancer Care on their judgment. Each year, Cancer Care bestows its Community Service Award to someone who makes significant contributions to the community. This year's recipient will surprise no one who has spent any time over the past 5 years in the 14th Street-Union Square area.

In 1989 Rob Walsh became the executive director of the 14th Street-Union Square Local Development Corp. and business improvement district. Rob came prepared.

Rob's service in New York City government had been as varied as it was successful. In fact, it seemed that there was no bureau of government which had not benefitted from Rob's considerable energies. He had served in the mayor's office of operations as a voter assistance coordinator, the transportation department, the parks department the personnel department, and the general services department. In addition, Rob has a master's degree in public affairs from Fordham University, where he also relieved his undergraduate degree.

Since taking the helm of the 14th Street-Union Square LDC/BID, Rob has overseen unprecedented efforts to revitalize a community which has fallen on hard times. During the 1980's, 14th Street had become a drug infested areas, people by prostitutes, and covered with graffiti. Union Square, once one of New York's greatest public spaces, was now best known for its nickname "Needle Park."

Rob Walsh, thankfully, is not a man who shrinks from a challenge. With his remarkable energy, intelligence, and can-do attitude, Rob has led the efforts to turn the neighborhood around. Stop by Union Square on a sunny spring day and you will see the difference.

New businesses move into this thriving neighborhood every day. Children and workers on their lunch break pack into beautiful and accessible Union Square. Stuyvesant Square Park is now the kind of well maintained open space that every member of the community can enjoy. The streets are cleaner and safer and there exists the kind of communitywide pride which is so characteristic of the best neighborhoods of New York and any city.

As Rob will be the first to say, this turnaround was the product of efforts by hundreds and thousands of caring members of the community. But I am not sure it could have happened without Rob's leadership. As the "Mayor of Union Square," Rob has directed the efforts, and led the battle at the front lines. He can always be found, walking the streets, checking on his latest brainstorm.

There is, of course, much work left to be done. But Rob's commitment to the values which make this community great—affordable housing, opportunities for our kids, safe streets, and economic growth—will certainly guide his future efforts in the right direction.

I should also point out that Rob also volunteers his time to a number of important groups in our city including New York Cares, the Vanderbilt YMCA, Beth Israel Medical Center community advisory council, Cabrini Medical Center advisory council, NYC Urban Fellows advisory board, Washington Irving High School business advisory council, and the mayor's Voluntary Action Center. And with all of his efforts, Rob remains a devoted husband to his lovely Terry and is a doting father to his beautiful daughter Cara, perhaps the most important job of all.

Mr. Speaker, I am grateful to Cancer Care for giving me this opportunity to tell a true New York success story. Rob Walsh deserves our most sincere thanks for all of his efforts on behalf of his community, and I hope that all of my colleagues will join me in congratulating him at this time.

**SOCIAL SECURITY PRESUMPTIVE DISABILITY FOR THE SEVERELY DISABLED INTRODUCED**

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. STARK. Mr. Speaker, today I am introducing legislation that incorporates the Supplemental Security Income's [SSI] presumptive disability system into the Social Security Disability Insurance [SSDI] Program.

One of the largest continuing problems faced by the Social Security Administration [SSA] is the backlog of more than 1 million cases waiting for a disability determination. In 1995 President Clinton asked for disability investment funding in the amount of \$280 million as part of the regular administrative budget. These funds were specifically earmarked for processing disability related workloads. Congress appropriated disability investment funding in the amount of \$320 million for fiscal

year 1995. I support this move but we need to do more and to act more quickly.

Social Security expects to receive nearly 3 million applications for disability benefits through 1995, 70 percent more than it received 5 years ago. Social Security admits that its complicated decision process has changed little in 40 years and offers an "unacceptable" level of service to the public. An announced "re-engineering" of the increasingly complex disability determination system is expected to stabilize the workload but not to result in an appreciable reduction in the backlog.

On the average, it now takes a disability applicant 5 months to get an initial decision. If benefits are denied, the applicant waits another 18 months to get an administrative law judge's decision on the appeal. Congress has heard complaints in recent years of deserving applicants waiting months for desperately needed funds and, in some cases, dying before they get a decision.

For example, in Arizona a recent disability applicant was forced to leave her secretarial job due to injuries resulting from a serious auto accident. She applied to the Social Security Administration for disability benefits to offset the loss of her income. She did not realize that she was venturing into an understaffed, underfunded Federal program that often forces disabled people to wait months to learn whether they qualify for benefits. After a year wait, she was successful in obtaining the benefits to which she was entitled only after hiring an attorney who specializes in such cases. These kinds of long delays are repeated in anecdote after anecdote.

For many severely disabled, there should be a faster way.

The SSI program makes an initial determination that presumes a person to be disabled if they fit certain severe disability criteria. These people begin to receive SSI benefits immediately and the SSA has a 6 month period to make the final determination of eligibility using the SSA's definition of disability.

Being able to receive SSI benefits on the basis of a presumptive disability determination provides the disabled person with much needed money immediately. However, for a worker who has paid into Social Security and becomes disabled, there is no comparable process to identify the people that would most likely qualify for DI benefits. My legislation would remedy this by providing for determinations of presumptive disability under title II of the Social Security Act in the same manner and to the same extent as is currently applicable under title XVI of such act.

This means that if a person is found to be presumptively disabled under title II and meets the requirements for entitlement to benefits the person will begin to receive benefits, after the initial 5 month waiting period required before DI benefits can be paid, for up to 6 months while the final determination is being made. If the person is presumed eligible to receive DI benefits, then their dependents shall also begin to receive benefits.

If, in the final determination, a claimant's impairment does not meet the Social Security Administration's definition of disability, they and their dependents shall not be responsible to return the money they received during the presumptive eligibility determination period.

In some instances a person may be presumed eligible for SSI benefits before being found to be presumptively disabled under title

II. In this case, the person will still be entitled to only 6 months of presumptive disability benefits. In most States, while receiving SSI benefits, a person is eligible for Medicaid. Under this proposal, claimants who would have been eligible for SSI benefits, were it not for their receipt of DI presumptive disability benefits, would be deemed eligible for SSI, making them eligible for Medicaid in those States where SSI eligibility triggers Medicaid eligibility. When the final determination for DI benefits is made, the claimant loses the Medicaid eligibility. Medicare will be provided to disabled workers and their dependents after they have been receiving disability benefits for 24 months, including the time they were receiving presumptive disability payments.

#### INTRODUCTION OF DIABETES RESEARCH ACT

#### HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 17, 1995

Ms. FURSE. Mr. Speaker, diabetes research is at a crossroads. Earlier this year, leading scientists and researchers from across America gathered in Washington, DC, at the Capitol Summit on Diabetes Research to release the white paper. The white paper demonstrated that diabetes research has reached a critical point, and that immediately increasing our focus could yield substantial and dramatic breakthroughs. Recent evidence indicates that a cure, or improvements in other disease management techniques, are within our reach to improve the quality of life for 14 million Americans who are affected by diabetes.

Today, along with Mr. NETHERCUTT, I am proud to introduce the Diabetes Research Act. This legislation would substantially increase the funds available for diabetes research at the National Institutes of Health. In light of the scientific revelations brought forth by leading researchers and endocrinologists, we must adopt a long-term strategy to deal with the problem of diabetes in America. As a nation, diabetes and its tragic complications cost our Nation over \$100 billion every year. Everyday, thousands of people go blind, have extremity amputations, or develop heart disease as a result of diabetes. We can make a difference if we only heed the call of the people who are on the front lines fighting this dreadful disease. The Diabetes Research Act answers that call.

I believe this bill could also be called the Priorities Act of 1995. In order to balance the budget and still invest in our Nation's future, we must have an open and honest discussion with the American people about our priorities. Tomorrow I am going to introduce three bills to create budgetary savings of \$1.5 billion, a portion of which could be used to pay for increased diabetes research funds. In sum, I believe diabetes research should be a priority and encourage my colleagues to follow my lead and make recommendations on how to pay for it.

My own daughter has diabetes. She is one of millions of Americans who live with this disease everyday, and I am so proud of her. I am also grateful to all the national diabetes organizations to gave their insight into the development of this legislation. I urge all my col-

leagues here in the House to cosponsor the Diabetes Research Act, cosponsor a bill to pay for it, and then let the thousands of people with diabetes in your community know you are working for their future.

#### TRIBUTE TO CREW MEMBERS OF THE SUGAR ISLAND FERRY BY THE HONORABLE BART STUPAK OF MICHIGAN

#### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mr. STUPAK. Mr. Speaker, I rise today to offer my sincere congratulations to the crew members of the Sugar Island ferry in Sugar Island, MI for their outstanding service to the community.

Each year, civic groups on Sugar Island choose an individual to recognize his or her contributions to the community. This year, however, the entire crew of the Sugar Island ferry was chosen to be honored for their enormous efforts for the betterment of the Sugar Island community.

The first regularly scheduled ferry to bring cars to Sugar Island was the *Service*, which began operation on July 1, 1928. On that day, 30 automobiles were transported from the island to the mainland of Michigan's Upper Peninsula. It cost 45 cents for cars and 15 cents for foot passengers to be carried across St. Mary's River. In addition to cars and trucks, the ferry also carried horse-drawn wagons during this period.

The *Service*, was in use until 1932, when it was replaced by the *Beaver*. The *Beaver* ran until 1937, when a second ferry, *Scow No. 1*, was placed into service. Later rebuilt and named *Chippewa*, that ferry was in use until a larger, steel ferry with a 12 car capacity was constructed. That ferry, the *Sugar Islander*, built in 1947, is still in use today. The Sugar Island ferry was privately-owned by the Eastern Upper Peninsula Transportation Authority in 1979.

In 1994, 252,339 vehicles were transported by the *Sugar Islander*. The ferry provides a vital link from Sugar Island to the city of Sault Ste. Marie in the Upper Peninsula. In addition to its regular service, the ferry goes out of its way to promptly transport emergency vehicles and ambulance, fire and police personnel for the benefit of Sugar Island residents.

Additionally, Mr. Speaker, the ferry is known for its outstanding service. It operates every half hour in good weather and bad, 365 days a year. The highly dedicated crew works 11-hour shifts, and I commend the crew members of the *Sugar Islander*, for their unfailingly courteous and reliable service. Specifically, I would like to congratulate the current members of the Sugar Island ferry, including: Tom Stevens, Brian Dynes, Dan Cairns, Paul McCoy, Derek Myerscough, Doug Bisdorf, Mike Patten, Tim Switzer, Don Soper, Jim Gort, Jr., and Rick Brown.

I know my colleagues join me in honoring those crew members who enrich the lives of Sugar Island residents, as well as visitors to that Northern Michigan community.

#### YOUTH CANCER AWARENESS

#### HON. CHARLIE ROSE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mr. ROSE. Mr. Speaker, I rise today to bring to the attention of this body youth cancer awareness.

More than 5 million living Americans have a history of cancer. It is estimated that among the 1 million people diagnosed with cancer this year, half will die from this disease. In my State of North Carolina alone, over 3,200 people will be diagnosed with cancer this year.

Even more alarming is the growth in reported cases of cancer in young people. Cancer is the No. 2 killer among our youth.

In my home State of North Carolina, the month of April is "Cancer Awareness Month." North Carolina has planned a number of events to emphasize the importance of cancer awareness. I would have like to have made April "National Cancer Awareness Month." However procedural changes will not permit the offering of such a resolution.

Nonetheless, I would still like to increase the public's awareness of the degree to which cancer affects young people. The key to finding a cure for cancer is in awareness of the symptoms, the causes, and the best means to address the problems raised by cancer. Increased volunteer participation and the promotion of education and research have had a profound positive impact on discovering a cure. We need to do more in this regard.

With the help of dedicated people like Miss Leslie Cobb, a Jacksonville, NC, teen cancer activist, who fight this terrible disease everyday, we will eventually find a cure. I urge everyone to do all they can to inform our youth about the risks of cancer.

#### LORETTA PONTICELLO HONORED FOR LIFETIME OF SERVICE

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mrs. MALONEY. Mr. Speaker, it gives me great pleasure to stand before my distinguished colleagues today to honor Ms. Loretta Ponticello.

It has been my observation that we are so consumed with the problems and negativism that plague our Nation that we sometimes forget about those who are working to solve these problems. We ignore the heroes who are right in our midst, choosing instead to talk about the bad news that dominates the news.

This situation needs to be corrected. That's why I take this opportunity to honor one of these heroes. She may not be featured in a movie or on television, but there can be little doubt that Loretta Ponticello is a hero to all who know her.

First, let me talk a little bit about Loretta's remarkable business career. By combining her great aptitude for business with a high standard of integrity and diligence, Ms. Ponticello has brought success wherever she has gone. After graduating from the New Jersey College for Woman—now Douglas College—she



worked for Chemical Bank in the foreign department. Eventually, Loretta left the bank and went on to become secretary to the president of Cooke International, and import/export firm in New York. Upon leaving Cooke International, Loretta began working for Rosenthal & Rosenthal, Inc. where she will be retiring after 26 years.

She began her career at Rosenthal as manager of the International Operations Office in their Foreign Department. Later she joined the Rosenthal Group's Law Department as an administrative manager and legal assistant and after years of service with Rosenthal & Rosenthal was appointed an officer in the company. She is one of the best liked and well respected members of the company, and her fellow workers will be sorry to see her go.

Loretta's outstanding achievement in the business world may only be overshadowed by her exemplary work in her community. For over 41 years, Loretta has been an active resident of City & Suburban's York Avenue Estate Landmark.

When eviction notices were sent to all tenants of her building, it looked as if Loretta and her neighbors would be forced to leave their homes forever. Her interest in the preservation of historic buildings in New York City persuaded her to lead the fight to make the building a New York City landmark.

Loretta helped organize fundraisers, spoke at hearings and met with legislators in New York City and Washington, DC. Her persistence was rewarded when City & Suburban was made an official New York City landmark. Ms. Betty Cooper Wallerstein, chairperson of Coalition to Save the City and Suburban, and Marie Beirne, Tenants Landmark chairperson, both agree that the landmarking of City & Suburban's York Avenue Estate could not have been accomplished without Loretta.

Now the Loretta is retiring after 26 years with Rosenthal & Rosenthal she will be able to devote even more time to her community service. She plans to be the keeper of the massive City & Suburban archives and intends to do volunteer work in the field of historic preservation. Ms. Ponticello will also continue her work with the East 79th Street Neighborhood Association, caring and working with the community that she loves.

Mr. Speaker, I am proud to honor the heroics of Loretta Ponticello today. I hope that my colleagues will join me in thanking Ms. Ponticello for her ongoing generosity, and wish her a long and happy retirement.

ONE OF NEW YORK'S BEST—EL  
OLE

**HON. NYDIA M. VELAZQUEZ**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Ms. VELAZQUEZ. Mr. Speaker, I rise today in honor of one of New York's best and most vibrant dining establishments. I am referring to El Olé. It is New York's very own bit of Spain, and it celebrates 25 years of exemplary service this Monday, May 22.

The owners of this fabulous restaurant, Pepe and Tony Lagares arrived in the United States back in 1949. They came here from La Coruña, Spain, with their father, Don José. They spent their first years in this country

working at their grandfather's restaurant, Greenwich Village's El Tropezon. In 1970, they opened El Olé, and for years worked at a grovelling pace. El Olé's reputation spread by word of mouth, and it soon built up a strong clientele. In fact, when El Olé opened its doors for the first time, it could only accommodate 28 patrons. Today, it serves many well known guests on a regular basis, and its exquisite dining room accommodates 110.

Among the many distinguished patrons of El Olé are: Sylvester Stallone, Elizabeth Taylor, Al Pacino, Emilio Estevez, Robert DeNiro, Martin Lawrence, Jon Secada, Jane Evans, Pedro Morales, Jose Chegui Torres, Roberto Ledesma, and former Governor Cuomo and his family. This impressive list comes as no surprise. El Olé has an atmosphere that lends itself to fine dining and pure enjoyment. But it is much more than a restaurant, it is a refuge for people of all cultures, and its walls have witnessed countless conversations on everything from politics to the arts.

From the romantic sounds of Spanish guitars to the fast swing-pace of salsa, cumbia, and merenge, El Olé's superb service and vibrant setting serve as perfect complement to this establishment's world class menu.

I applaud the Lagares brothers for their efforts, and thank them for bringing us so much. To El Olé, a happy celebration, may its tables always bear las Delicias de la madre España, and may its door always rest open for those who share a passion for culinary pleasure and a thirst for the joy of life. Olé!

FINDING SUPPLEMENTAL SECURITY INCOME ELIGIBLE BENEFICIARIES; INTRODUCTION OF LEGISLATION TO PROVIDE INCENTIVES FOR NON-PROFIT ORGANIZATION OUTREACH

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. STARK. Mr. Speaker, the Supplemental Security Income [SSI] Program was begun to provide a safety net for our country's elderly, blind, and disabled persons with limited income and resources.

Over the years I have followed the outreach efforts of the Social Security Administration to inform potential eligible people about the SSI Program. In 1989 a Health and Human Services study indicated that that 35 percent of potentially eligible recipients were not participating in the SSI Program. Congress mandated funds to the SSA in fiscal year 1990 and 1991 for outreach projects in an effort to enroll these potential recipients.

Many outreach programs designed and carried out by local government and nonprofit organizations have been funded by these appropriated funds. Outreach programs inform the SSA staff of the most effective means of reaching potentially eligible recipients of the SSI Program and assist recipients through the complicated application process.

Alameda County in California has been very effective in reaching Southeast Asian potential recipients through an outreach program that reaches into the community through mutual assistance groups.

In Arizona third parties using a variety of outreach techniques, including language

groups, successfully funded eligible recipients and streamlined their application process by completing the many necessary forms for them.

These examples point to what maybe the most effective way of contacting these hard to reach people. The use of existing private nonprofit community groups. I suppose that one of the quickest and most economical ways of finding and signing up eligible people for the SSI Program would be to use the staffs of nonprofit organizations who already work with the poor. Many of these people are very knowledgeable about the program and have the trust of potential recipients. Help in filing out the forms and collection of the necessary documentation would greatly assist the overworked SSA staff.

In return the nonprofit organizations would receive a fixed amount of money for each person they "sign up" that was actually eligible for the SSI Program.

This idea is the basis for the legislation I am introducing today. My bill creates two demonstration projects, one in a poor urban area and one in a poor rural area, to test this idea of providing an award for successful outreach.

THE SERB STRANGLEHOLD ON  
SARAJEVO

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to condemn the latest Serbian onslaught directed against innocent civilians in Sarajevo, an UN-designated safe-haven. The events of the past 24 hours underscore the fact that the besieged city of Sarajevo remains in a virtual stranglehold by well-armed Serb militants. UN sources confirmed that at least 1,000 shells were fired on Sarajevo. The heavy shelling of the Bosnian capital, the worst in over a year, resulted in a score of injuries and deaths. Sporadic shelling continues today.

Some have had the audacity to argue that both sides are equally to blame for the attack, a pretext later used to deny the Bosnian Government's urgent request for protection of Sarajevo. Attempts to equate the forces of the sovereign Government of Bosnia-Herzegovina with the marauding bandits led by Radovan Karadzic, a mastermind of genocidal aggression in Bosnia, are an affront which must be resoundingly rejected. Karadzic, along with Bosnian Serb military commander Ratko Mladic and former police chief Mico Stanisic, are under active investigation by the War Crimes Tribunal for the former Yugoslavia, for their respective roles in the war launched by the Serbs in 1992.

For 3 years now, international negotiators have traveled a well-worn path to Pale, the Bosnian Serb headquarters. Nearly a year has passed since the Contact Group presented its peace plan on a take-it-or-leave-it-basis. The Bosnian Government accepted the proposal within the 2 week deadline. The plan has been repeatedly rejected by the Bosnian Serbs with relative impunity despite threats by the Contact Group that rejection would carry severe consequences. Further negotiations at this time can only be expected to bring further concessions to meet Karadzic's demands.

Yesterday's attack on Sarajevo highlights the pathetic state of affairs and utter impotence of the international community which has effectively abrogated its responsibility for enforcing Security Council resolutions in Bosnia. The shelling occurs at a time when the United Nations is reviewing its mission in Bosnia—a mission which, in my opinion, has been seriously undermined since UN forces began negotiating with the militants shortly after UNPROFOR's deployment. Further delay in deciding what, if any, role the UN can or should play in Bosnia will only make the withdrawal of UNPROFOR that much more difficult and potentially dangerous should such a determination ultimately be reached.

Mr. Speaker, the fact of the matter is that measures taken by the Security Council to date have failed to maintain international peace and security as it relates to Bosnia-Herzegovina. This being the case, it is unconscionable that that country continues to be denied its right to self-defense, in clear violation of article 51 of the UN Charter.

Earlier this year, I introduced H.R. 1172, legislation which lift the arms embargo against Bosnia-Herzegovina. This bill enjoys considerable bipartisan support as evidenced by the growing list of cosponsors. Mr. Speaker, I urge colleagues to support the lifting of the arms embargo, an action fully in keeping with Bosnia's inherent right to self-defense.

#### COMMUNITY SPIRIT ALIVE AND WELL IN IDAHO

#### HON. HELEN CHENOWETH

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mrs. CHENOWETH. Mr. Speaker, I rise today to applaud the efforts of two institutions in my district that are pioneering innovative programs to meet the credit and housing needs of the citizens of Boise. Boise Neighborhood Housing Service and Key Bank of Idaho have been nationally recognized by the Social Compact in its 1995 Outstanding Community Investment Awards Program for their efforts, which are helping to address the city's critical shortage of affordable housing options.

Social Compact is a national nonprofit organization dedicated to increasing industry investment in our at-risk neighborhoods. They lead by example, highlighting successful partnerships between financial services institutions and neighborhood nonprofit organizations that are working together to reestablish viable markets in which the financial industry can do business. By reestablishing these markets, the partnership reclaims vulnerable communities, transforming them into a neighborhood of active residents and homeowners with a real stake in their future. As a result of the annual Outstanding Community Investment Awards Program, Boise Neighborhood House Service, or NHS and Key Bank of Idaho were chosen out of 160 applicants as a model partnership, one that the rest of the industry can learn from.

When Boise NHS began 13 years ago as a small, neighborhood revitalization efforts, Boise was just entering a growth period. Today, Boise is a city with soaring housing costs and high land prices. In the last 5 years alone, the cost of living in Boise increased by

139 percent, while median income rose only 33 percent. NHS has responded to Boise's affordable housing shortage by forming a lasting partnership with Key Bank of Idaho, a financial institution committed to neighborhood revitalization. Their partnership is providing solutions both for lower-income families who need affordable rental housing or believe the dream of homeownership is out of their reach.

As a result of the leadership of Connie Hogland, executive director of Boise NHS, and Michael Mooney, president of Key Bank of Idaho, 77 families now live in newly constructed, affordable homes. Seven families have achieved the dream of homeownership, through the construction of Quince Cove development, financed 100 percent by Key Bank of Idaho. Key Bank has furthered its financial involvement with Boise NHS, supporting the National Neighbors Works Campaign for Homeownership, initiating a special lenders pool with other institutions to provide first mortgages to lower- and moderate-income families, and providing Boise NHS with an ongoing line of credit. In Boise our citizens have a great deal of civic pride in their city and the Key Bank employees, senior managers and even members of their board of directors also volunteer their time for community-wide events such as when the city comes together to help those that are unable to maintain the upkeep of their homes.

Efforts such as those by Boise NHS and Key Bank of Idaho deserve to be congratulated, not only for their ongoing efforts to meet immediate needs of Boise residents, but also for their innovation in finding new ways to help the city and the community, making it a vital place to live and do business.

#### RESEARCH FOR OUR NATION'S FUTURE

#### HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mr. SCHIFF. Mr. Speaker, I rise today to mention the importance of the basic scientific research funded under budget function 270. While this research may fall under the Energy Supply Research and Development title, this work, much of which is occurring at our national laboratories, is basic fundamental scientific research that applies to national problems in nuclear weapons and environmental cleanup.

Research efforts at the national laboratories are characterized by scientific excellence and the integration of basic research to real applications in the chemical sciences, materials sciences, and geosciences. For example, the materials science research program at the national laboratories not only demonstrates the relevance of basic science to technology, but also supports the Energy Department's primary missions. In addition, these programs take advantage of a wide range of large, capital intensive research facilities that are not usually found at universities.

Work in areas such as scientifically tailored materials combine expertise in solid state sciences, atomic-level diagnostics, materials synthesis and processes science to produce new classes of tailored materials for critical defense needs, and which can also be used

by industry down the road. That national laboratories materials researchers win prizes and awards each year, indicates that their colleagues in universities and industry recognize the value of their scientific contributions.

In conclusion, I ask my colleagues to be mindful that the national laboratories are conducting original and relevant basic research in the basic energy sciences program that is of great value to our Nation's future.

#### THE 44TH INTERNATIONAL CON- VENTION OF THE ALLIANCE OF THE POLISH SINGERS OF AMER- ICA

#### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Mrs. MALONEY. Mr. Speaker, I rise today to mark the 44th International Convention of the Polish Singers' Alliance of America which will take place in New York City from May 25 through May 28, 1995. As the Representative of one the Nation's strongest and most active Polish-American communities, I am proud to welcome them to New York.

Founded in 1889, the Polish Singer's Alliance is dedicated to promoting goodwill and Polish culture by performing the very best in Polish music. Every 3 years the Alliance sponsors a convention for Polish choral groups from all over North America. The convention acts to acquaint the public with the works of Polish composers, and foster a love for a country which has given so much to the rest of the world.

This year, the event is being hosted by the District VII of PSAA, based in the New York City metropolitan area, including Connecticut, Pennsylvania, and New Jersey. District VII will welcome 33 other singing groups from as far away as Arizona, and Ontario, Canada.

Together, over 1,000 people will join together to celebrate the rich history and the promising future of the Polish musical tradition. Judging from past conventions, a high point should be the choral competition. This even provides a unique opportunity for the choruses to demonstrate their talents in Polish classical, religious, and folk music.

The theme of this year's convention, Salute Free Poland, is particularly poignant. It honors not only the country's historical contributions to world culture, but recognizes Poland's long struggle to embrace freedom and democracy.

Mr. Speaker, I would request my colleagues join me in welcoming the Polish Singers Alliance of America to New York. I thank them for bringing their wonderful music to New York and for keeping this tradition alive for future generations to enjoy.

#### PERSONAL EXPLANATION

#### HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 1995*

Ms. WATERS. Mr. Speaker, yesterday, May 16, during consideration of final passage of the Clean Water Act Reform Act, H.R. 961, I was outside the building and inadvertently

missed the vote. Had I been present, I would have voted "Nay."

#### A EULOGY TO MAX MCCARTHY

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mr. LaFALCE. Mr. Speaker, former Senator John Culver of Iowa last week delivered a eulogy to his friend and former colleague in Congress, Richard "Max" McCarthy, who died May 5 at age 67 in Arlington, VA.

Mr. McCarthy represented the Buffalo, NY, area in the House from 1965 to 1970.

Senator Culver offered a poignant tribute to Max, who had a many faceted career as "a proud veteran of two wars in two military services. A distinguished Member of Congress with a strong sense of our obligation to future generations. A diplomat wisely representing our country. A journalist who challenged and helped his readers to be better informed citizens of our democracy."

Speckled with anecdotes, the Senator's remarks captured the depth of character of this affable man we all simply called Max. The Hill published the Senator's eulogy in its May 17th edition and I would like to share it with my colleagues at this point in the RECORD:

MAX MCCARTHY: SOLDIER, CONGRESSMAN, JOURNALIST

(Eulogy by Former Sen. John Culver)

As we all know, Max grew up in Buffalo. He loved the city and its people. He knew its history and its politics. He always proudly wore that small silver Buffalo in this lapel.

One of his favorite stories about his home town recounted the election night victory statement of a mayoralty candidate of modest educational attainment who proclaimed: "I wish to thank Jesus Christ and all the other good people of Buffalo who voted for me today."

I first met Max 30 years ago when we were both newly elected members of Congress. Although small in stature he possessed a big voice and also a big heart and a big mind. He was intellectually curious and genuinely interested in people as well as ideas.

He possessed strong convictions and never was half-hearted about anything. He could ask more questions and learn more about a stranger in one conversation than anyone I ever knew, because he was such a good listener.

As we all know, Max was very fastidious and dapper concerning his dress and I used to kid him. "I wish you would start to take some pride in your personal appearance."

In his own congressional career he was ahead of his time regarding the environment and was also the author of books on subjects like chemical and biological warfare and campaign finance reform decades before others discovered them. As a close observer of foreign affairs, he was perceptive and well informed. Years before the Iranian revolution he warned me that the U.S. was wrong in supporting the Shah.

Max was proud of being Irish and a genuine authority on the history of Ireland. With affection he often recounted the comment of his father, "The Irish are not always sure of the particular cause they are fighting for, but they are willing to die for it."

But Max did know what was worth living for. After he was diagnosed, Max knew his illness was terminal.

He eventually moved into the nursing home where his life and possessions were re-

duced to one room. At such a time one must choose and those choices can tell us much about a person's priorities, character and values.

Like many of you here today who visited Max in that room in recent months, I recall the many photos of his family. His father and mother pictured with him as a small boy, his sisters, and the individual and group pictures of his children and grandchildren whom he loved so deeply. They reminded me of the joy he always expressed following a visit to one of them—be it in Italy, Chicago, New York City or back in Buffalo.

There was an American flag in the corner of the room. I assume it was from his congressional office. There were two framed honorable discharge certificates—one from the World War II Navy and the other from the Army for service during the Korean War. Max was devoted to his country, but like a true patriot he could be critical if he felt it as not pursuing a just course.

Then there was the book case filled with his favorite works on history and political biographies which were the subject of many memorable hours of discussion that we shared over the years. As I left him on what proved to be my final visit I asked if I could get him anything. He said he would really like a copy of a new history book, "The Age of Extremes," by Eric Hobsbawm. He had read an excellent review of it in the New York Review of Books. I got a copy to him last week and it was apparently the last book he was reading.

He had a keen interest in travel and did so widely and there were various mementos and pictures from those experiences. There was the beloved collection of opera recordings all of which Max knew by heart. A classical music station was always on the radio. Always at hand was a well-read copy of The New York Times.

On a wall hung his notice of induction to the prestigious Gridiron Club, signifying his election to a select group of the nation's finest reporters. The annual club skits, a Washington major event, gave him such satisfaction and pleasure. On a bulletin board were one or two of his recent columns from the Buffalo News that he courageously dictated each week to the very end. The last one which appeared before his death was an appeal for sanity on firearms.

There was a framed quote by one of Max's heroes, the distinguished journalist Walter Lippmann. I remember Max telling me about how thrilled he was to have been invited to Lippmann's home as a young congressman and pointed out his residence to me in Washington. Max took very seriously his responsibility as a member of the Washington press corps. Lippmann characterized that role as "no mean calling" and claimed those involved have a "right to be proud of it and be glad it is our work." Max could agree.

It is altogether fitting that Max, who served our country with distinction in so many ways, will now be laid to rest in our National Cemetery. He was a proud veteran of two wars in two military services. A distinguished member of Congress with a strong sense of our obligation to future generations. A diplomat wisely representing our country. A journalist who challenged and helped his readers to be better informed citizens of our democracy.

A funeral ceremony is, of course, a time of sadness, but also a time of celebration and gratitude. Gratitude for the enrichment Max brought to so many of our lives and for the warm personal memories of him which we will always cherish.

#### UPLIFTING AND HELPFUL GUIDANCE

### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Mr. BISHOP. Mr. Speaker, I am very thankful that I have had an opportunity during this exceptionally busy year to attend two annual conferences of the African Methodist Church in Georgia, the Southwest Georgia Conference held in Columbus and the South Georgia Conference in Albany. I am also planning to attend the third A.M.E. church conference this month, the upcoming conference in Macon. These church convocations are both uplifting from a spiritual point of view and beneficial to me as a legislator.

Resolutions adopted by the 83d session of the South Georgia Conference, presided over by the Right Reverend Donald George Kenneth Ming, are an example of how religious organizations can help guide our deliberations in incisive, thought-provoking ways. I would therefore submit the attached epistle and the four accompanying resolutions, which were developed by the committee on the state of the country:

THE 83D SESSION OF THE SOUTH GEORGIA ANNUAL CONFERENCE OF THE SIXTH EPISCOPAL DISTRICT OF THE AFRICAN METHODIST EPISCOPAL CHURCH—THE RIGHT REVEREND DONALD GEORGE KENNETH MING, PRESIDING BISHOP

MARCH 24, 1995.

To: Congressman Sanford D. Bishop, Jr.  
Second Congressional District for the State of Georgia.

From: The Committee on the State of the Country.

The enclosed resolutions are excerpts from the minutes of the committee assigned to review, to evaluate and to propose resolutions to resolve the continued decay of crippling ills of our society. We, therefore, the ministerial and lay delegates to this, the 83rd Session of the South Georgia Conference, presided by the Right Reverend Donald George Kenneth Ming, would like to go on record stating our concerns on these issues.

We, therefore, solicit your personal commitment to deliver these resolutions to the floor of Congress and oratorically resound our concerns in such a manner that the walls of Congress will tremble until equality and justice grip the minds and hearts of your fellow political constituents. We can no longer sit idly in the bosom of a society that will not nurture, from the breasts of prosperity, her children from ill-housing, inefficient educational systems, rural and urban wastelands, cultural deficiencies, health deformities, political annihilations, affirmation action irregularities and the criminal seige of a demoralizing society.

We, therefore, collectively, as members of your Congressional District, challenge your involvement as a vehicle which will enable us to stand in these times as we make a "Contract with America" to retain an air of dignity, of respect and of self-worth to our God, to our fellowman, and to ourselves.

Respectfully submitted,

THE COMMITTEE ON THE STATE OF THE COUNTRY.

The Right Reverend Donald George Kenneth Ming, Presiding Bishop.

Mrs. Edith White Ming, Episcopal Supervisor.

Reverend Clifford Earl Shephard, Presiding Elder.

Reverend Johnnie Lonnie Raven, Jr., Presiding Elder.

Reverend Eugene Foster, Chairperson.

Reverend Hayward White.

Reverend W. F. Griffin.

Reverend Jaunita Parker.

Reverend Charlie Byrd.

Sister Constance Hamilton.

Brother Ralph Taylor.

Brother Stonewall Pertilla.

Dr. Evelyn G. Perry, Compiler.

#### THE RESOLUTIONS

We, the members of the State of the County Committee at the 83rd Session of the South Georgia Annual Conference held at Bethel African Methodist Episcopal Church (Albany, Georgia) on March 22-26, 1995 do set forth these following resolutions, which were unanimously received and adopted by the attending delegation, to be prayerfully submitted to our nation's leaders:

##### RESOLUTION 1

We resolve that this conference go on record to endorse our support for affirmative action as a tool to continue to align the "American Dream" and the founding fathers' principle that "we hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights that among these are life, liberty and the pursuit of happiness." We, therefore, resolve that affirmative action is necessary to assure that the minority workforce is not given a "handout" but an "opportunity!" We, therefore, resolve that with these given opportunities minority America will be able to escalate over the barriers of economical, social and cultural horizons which have beset us in the past. Let it be clearly stated that we must procure the keys to these opportunities through affirmative action which is our "Contract with America," that if given the opportunity, we will respond educationally trained, responsibly employed, and culturally advanced. Let it be known that Black America suffers from the acute case of insufficient checking only because America refuses to deposit into her account.

##### RESOLUTION 2

We resolve that there is a need for welfare reformation; however, we resolve that there should be gradual steps to assure that "poor America" will be able to receive adequate housing, income and health care to sustain a minimal lifestyle of dignity. We, therefore, resolve that the process of ratification should take the following steps:

1. Five-year ratification period.
2. Gradual modification for those presently on welfare.
3. Reformation including parental training, vocational training and social skills' training.
4. Reformation that gradually restricts and deters teenage pregnancy, substance abuse and sales and a lack of self-esteem.

##### RESOLUTION 3

We resolve that adequate funding should be allocated so that a massive voter registration and voter education program is enacted in every Congressional District where the majority of the inhabitants are non-participatory voters.

##### RESOLUTION 4

We resolve RESOUNDINGLY that Congress would approve and support the appointment of Doctor Foster, M.D., as Surgeon General of the United States of America based upon his impeccable credentials in the medical profession. We must not allow misappropriate behavior of the past, when corrected, to be the portal for non-qualification. We must be reminded that in the gospel according to John 8:7 Jesus implies, "ye without sin, cast the first stone."

Finally, we, therefore, resolve that these resolutions be permanently engraved in the archives of the "American Dream."

Mr. Speaker, I commend the A.M.E. Church in Georgia for taking a stand on these critical issues. All of us in Congress can benefit from paying close attention to the views and positions taken by our religious institutions.

#### MCKINNEY EDUCATION FOR HOMELESS CHILDREN AND YOUTH

#### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 17, 1995

Ms. SLAUGHTER. Mr. Speaker, this worthwhile program, modest yet dramatically effective, has drawn quite a bit of fire in recent days. I would like to take this opportunity to clear up some misconceptions about the program, voiced by my colleague from Arizona, [Mr. KOLBE].

My colleague objects strongly to this program for the Education of Homeless Children and Youth, because of concerns that the program is overly bureaucratic. This is simply not the case at all. The McKinney program directly funds just one Homeless Education coordinator in each State; and over half of those coordinators only work part-time on the program. More than 80 percent of all funding goes straight to the local school districts. At last count, about 500 local school districts were running homeless education programs with McKinney funding.

My colleagues also quotes from a Department of Education document which states that the McKinney program "provides formula grants to States to operate an Office of Coordinator of Education for Homeless Children and Youth." The implication is that the program exists only to support bureaucrats. However, my colleague failed to read further in the program description, in which it is stated that the program also has responsibility "to develop and carry out a State plan for the education of homeless children. States also make subgrants to local educational agencies for tutoring, transportation and other services intended to enable homeless children to enroll in, attend and succeed in school." (Department of Education Fiscal Year 1996 Budget Summary and Background Information)

And that is what this program does so well—it gets funding to local school districts, who have designed special projects tailored to their local needs. Local school districts submit applications as part of a competitive process; only the best proposals win. The States make the final decisions; the localities design their own programs; and the Federal Government lets them do what they do best. No other Federal program targets these vulnerable homeless children in this way. We must oppose any attempt to eliminate the Education for Homeless Children and Youth program; because without this program, literally hundreds of thousands of homeless children will never get to school.

I am submitting a Project Description from the Amphitheater Public Schools Education for Homeless Youth Program in Tucson and Pima County Arizona. Amphitheater's program, called "Youth on Their Own," works with high school homeless youth, and is one of two

McKinney-funded homeless education programs in my colleague's district. The other program, run by the Tucson Unified School District, reaches out to elementary school-age homeless children. The Amphitheater Project Description explains better than I can how the program works, how they are using their McKinney funding, and why this McKinney funding is so valuable to local school districts all across the country.

#### PROJECT DESCRIPTION—ARIZONA DEPARTMENT OF EDUCATION

##### EDUCATION FOR HOMELESS CHILDREN AND YOUTH

1. District: Amphitheater Public Schools.
2. Contact person: Ann Young; Telephone (602) 297-4555.
3. Number of homeless children in school district (from attached survey): 317+; Number to be served by this project: 317+.
4. Project period (Maximum 15 months): From August 1993 to September 1994.
5. Describe services to be provided:

Educational assistance targeted for the homeless will be supplemental to the school program and will include a course in independent living set up to assist the students in learning the skills needed to survive on their own. A full time teacher will be hired to teach the course to an integrated student body so the homeless youths will not be isolated and stigmatized. He/she will also be responsible for assisting the students with course, college and career choices, helping in the identification and screening of homeless youth, coordinating with parents, teachers, school personnel, and private and public agencies, acting as a liaison to help the homeless enroll and succeed in school, and making home visits.

Tutorial services will be provided to assist students in reaching their academic goals.

Outreach effort to identify and assist homeless students in entering and becoming integrated into our schools, in obtaining residency status and the documentation necessary for government and social services. Assistance will be given in finding lodging with volunteer parents or on their own, medical and dental services, obtaining free breakfast and lunch, food stamps, AHCCS, SOBRA, DES, AFDC, clothing and household goods, emergency food from the food bank, part-time employment, a monthly stipend dependent upon good attendance, counseling, and mentoring.

6. Describe how the project is coordinated with the regular district educational program and integrates homeless children with non-homeless children:

Our program will advocate for children and youth to ensure their acceptance as students in the Amphitheater School District. A hotline for students who have difficulty meeting the criteria of the school district because of homelessness will be available at each school to assist the school personnel in determining homelessness status. Ongoing education of school personnel will be addressed.

The course in independent living which will address housing, nutrition, health, economic, and other basic needs will be available to all students so the homeless student will not be stigmatized. The Youth on Their Own support program also includes children who are not considered homeless under the McKinney guidelines—those living with friends and relatives on a comparatively stable basis. Every effort is made to mainstream the homeless youth so they are not isolated as a group from the school body.

7. Describe current districtwide efforts to remove barriers to the education of homeless children, pursuant to the McKinney Act (i.e.

documentation and residency policies, expedited assessments, outreach, etc.). Do not include activities funded by a McKinney Homeless Assistance grant.

Amphitheater School District is making efforts to remove barriers to the education of homeless children, but the documentation

and residency policies must still be evaluated on a case by case basis. It is not known how many children are helped or hampered by the present policies. Schools are to be asked to gather data as a basis for improvement efforts. An attempt will be made to enlarge the schools' influence on the out-of-

school environment. The high school hired a social worker this year who has helped to expedite assessments and outreach efforts. We have volunteers working with the homeless students on a one to one basis.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 18, 1995, may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

## MAY 19

9:30 a.m.

## Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Housing and Urban Development.

SD-192

## Labor and Human Resources

Education, Arts and Humanities Subcommittee

To hold hearings to examine adult education programs.

SD-430

## MAY 22

2:00 p.m.

## Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Architect of the Capitol, and the Government Printing Office.

SD-116

## Foreign Relations

Western Hemisphere and Peace Corps Affairs Subcommittee

To hold hearings on S. 381, to strengthen international sanctions against the Castro government in Cuba, and to develop a plan to support a transition government leading to a democratically elected government in Cuba.

SD-419

## Governmental Affairs

Post Office and Civil Service Subcommittee

To resume hearings on Federal pension reform, focusing on how Federal pension plans compare to private sector plans.

SD-342

## MAY 23

9:30 a.m.

## Agriculture, Nutrition, and Forestry

To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on Federal nutrition programs.

SR-328A

## Appropriations

## Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on financial management.

SD-192

## Appropriations

## District of Columbia Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the government of the District of Columbia, focusing on the District of Columbia public schools.

SD-116

## Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on NASA's Space Station Program.

SR-253

## Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 620, to direct the Secretary of the Interior to convey, upon request, certain property in Federal reclamation projects to beneficiaries of the projects and to set forth a distribution scheme for revenues from reclamation project lands.

SD-366

## Indian Affairs

To hold hearings on S. 479, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR-485

10:00 a.m.

## Foreign Relations

Business meeting, to mark up proposed legislation authorizing funds for foreign assistance programs.

SD-419

## Judiciary

To hold hearings on the Administration's counter-terrorism intelligence gathering proposals, focusing on whether there is a need for increased wiretap and infiltration authority for Federal law enforcement.

SD-226

2:30 p.m.

## Energy and Natural Resources

Parks, Historic Preservation and Recreation Subcommittee

To hold hearings to review the Department of the Interior's programs, policies and budget implications on the reintroduction of wolves in and around Yellowstone National Park.

SD-366

## MAY 24

9:30 a.m.

## Appropriations

## Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the United States Fish and Wildlife Service, Department of the Interior.

SD-192

## Commerce, Science, and Transportation

## Aviation Subcommittee

To hold hearings to examine international aviation policy.

SR-253

## Governmental Affairs

Oversight of Government Management and the District of Columbia Subcommittee

To hold oversight hearings on aviation safety.

SD-342

10:00 a.m.

## Agriculture, Nutrition, and Forestry

Research, Nutrition, and General Legislation Subcommittee

To hold hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on research and the future of U.S. agriculture.

SR-328A

2:00 p.m.

## Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

## MAY 25

9:30 a.m.

## Energy and Natural Resources

To hold hearings on S. 638, to authorize funds for United States insular areas.

SD-366

## Rules and Administration

To hold hearings on proposed legislation authorizing funds for the Federal Election Commission.

SR-301

10:00 a.m.

## Agriculture, Nutrition, and Forestry

Marketing, Inspection, and Product Promotion Subcommittee

To hold hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on Federal farm export programs.

SR-328A

## Appropriations

## Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for military construction programs of the Department of Defense, focusing on Army and certain Defense agencies.

SD-192

## Finance

Social Security and Family Policy Subcommittee

To hold hearings to examine the financial and business practices of the American Association of Retired Persons (AARP).

SD-215

2:00 p.m.

## Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on property line disputes within the Nez Perce Indian Reservation in Idaho.

SD-366

## MAY 26

10:00 a.m.

## Appropriations

## Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1996 for the General Accounting Office, and the Office of Technology Assessment.

SD-116

## JUNE 6

9:30 a.m.

## Agriculture, Nutrition, and Forestry

Forestry, Conservation, and Rural Revitalization Subcommittee

To hold hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on resource conservation.

SR-328A



Appropriations Defense Subcommittee To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on intelligence programs. S-407, Capitol	9:30 a.m. Appropriations VA, HUD, and Independent Agencies Subcommittee To hold hearings on proposed budget estimates for fiscal year 1996 for the National Service and the Selective Service System. SD-192	partment of Defense, focusing on health programs. SD-192
Appropriations Interior Subcommittee To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of the Interior. SD-138	10:00 a.m. Judiciary Youth Violence Subcommittee To hold hearings to examine the welfare system's effect on youth violence. SD-226	JUNE 15 9:30 a.m. Agriculture, Nutrition, and Forestry Production and Price Competitiveness Subcommittee To resume hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on commodity policy. SR-328A
Energy and Natural Resources Energy Production and Regulation Subcommittee To hold hearings on S. 708, to repeal section 210 of the Public Utility Regulatory Policies Act of 1978. SD-366	JUNE 13 9:30 a.m. Agriculture, Nutrition, and Forestry Production and Price Competitiveness Subcommittee To hold hearings on proposed legislation to strengthen and improve United States agricultural programs, focusing on commodity policy. SR-328A	JUNE 20 9:30 a.m. Appropriations Defense Subcommittee To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense, focusing on counternarcotic programs. SD-192
2:00 p.m. Joint Printing To hold oversight hearings on the activities of the Government Printing Office (GPO). 1310 Longworth Building	Appropriations Defense Subcommittee To hold hearings on proposed budget estimates for fiscal year 1996 for the De-	JUNE 27 9:30 a.m. Appropriations Defense Subcommittee To hold hearings on proposed budget estimates for fiscal year 1996 for the Department of Defense. SD-192